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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Larry James Rady,

13 Defendant.
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No. CR-04-00585-001-PHX-FJM

ORDER

15 The court has before it Rady's Motion to Vacate Release Hearing (Doc. 113), the
16 Government's Response (Doc. 114), and the Pretrial Services Report dated January 17,
17 2018 (Doc. 112).

18 After rushing to get released, Rady now believes that his original release date
19 (apparently February 6, 2018) is more favorable to him than the order he obtained at the
20 Court of Appeals because he does not like the recommendation of the Pretrial Services
21 officer that he be placed in a residential treatment center. He now asks us to ignore the
22 order of the Court of Appeals and vacate the hearing we were required to set at his
23 insistence. But our reading of the order of the Court of Appeals suggests that it cannot be
24 ignored simply because the defendant changed his mind. The Mandate has not issued.
25 We can do nothing here until the Mandate issues except to the extent the Court of
26 Appeals has otherwise ordered.

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Accordingly, it is ORDERED DENYING Rady's Motion to Vacate Release Hearing (Doc. 113). Of course, Rady is free to go back to the Court of Appeals and get it to vacate its release order.

Dated this 25th day of January, 2018.

Frederick J. Martone

Frederick J. Martone
Senior United States District Judge